UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN THE MATTER OF THE APPLICATION OF THE UNITED STATES OF AMERICA AUTHORIZING THE INSTALLATION AND USE OF A TRACKING DEVICE ON A GREY 2011 MERCEDES C300 WITH VEHICLE IDENTIFICATION NUMBER WDDGF8BB2BR151095 AND ILLINOIS LICENSE PLATE R688135	13 MISC 574 Mag. No. **UNDER SEAL**

AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT

I, Jeffrey Dant, a Special Agent with the United States Secret Service ("USSS"), being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent of the United States Secret Service ("USSS"), and have been so employed since approximately 2008. Previously, since May 2003, I was a Protective Support Technician and a Uniformed Division Officer for the USSS. I have been trained in various aspects of law enforcement, particularly the investigation of credit card fraud and other financial crimes. During my employment with the USSS, I have been involved in numerous fraud investigations and prosecutions, as well as other types of investigations and prosecutions. In the course of those investigations, I have conducted surveillance, performed controlled deliveries, monitored tracking devices, and secured other relevant information using various investigative techniques. I have acted as the "case" or lead investigative agent in over 30 federal, state and local criminal investigations.

2. As a federal agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States.

3. I have been involved, along with other USSS agents and agents from the Department of Homeland Security ("DHS") in an investigation of Marius Vintila and others, for among other things, violations of Title 18, United States Code, Sections 1029 (access device fraud), 1028A (aggravated identity theft), and 1344 (bank fraud) (the "Target Offenses"). This affidavit is based upon my personal knowledge, my review of documents and other evidence, and my conversations with law enforcement officers and civilian witnesses. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

4. I submit this affidavit in support of the application of the United States for a warrant re-authorizing the installation and use of a Global Positioning System ("GPS")[1] mobile tracking device on a grey 2011 Mercedes C300, with Vehicle Identification Number WDDGF8BB2BR151095 and Illinois license plate R688135 (the "SUBJECT VEHICLE"), and to monitor and record the signals and information produced by and received from the tracking device. Because this affidavit is submitted for the limited purpose of obtaining a warrant to re-

[1] GPS is a technology that substitutes for the earlier generation of proximity-detecting "bumper-beepers" previously used by law enforcement. The prior generation of beacons functioned by transmitting a radio impulse that a remote tracking device reads to determine the proximity of a beacon. In contrast, a GPS beacon functions by emitting a signal that can be read by a satellite that then transmits the location information in a form that the law enforcement agency's computer system is able to calculate and project on a map. A GPS mobile tracking device falls within the meaning of "tracking device" as that term is defined in 18 U.S.C. § 3117(b), that is, "an electronic or mechanical device which permits the tracking of the movement of a person or object."

authorize install a GPS mobile tracking device on the SUBJECT VEHICLE, I have not included each and every fact known to me concerning this investigation.

5. This is the second application for a warrant authorizing the installation and use of a GPS mobile tracking device on the SUBJECT VEHICLE. On June 12, 2013, the Honorable Vera M. Scanlon, United States Magistrate Judge, Eastern District of New York, signed a warrant authorizing the installation and use of a GPS mobile tracking device on the SUBJECT VEHICLE. The GPS mobile tracking device was installed on the SUBJECT VEHICLE on June 13, 2013. Based on the facts set forth in this affidavit, there is probable cause to believe that the continued monitoring of the mobile tracking device placed on or within the SUBJECT VEHICLE will lead to evidence of the Target Offenses, will reveal the identities of persons involved in the Target Offenses and the locations and times of their meetings, and will aid law enforcement in locating Marius Vintila, a charged defendant in this ongoing criminal scheme who is currently at large.

FACTUAL BASIS FOR APPLICATION

6. Based upon my training and experience, I am familiar with a fraudulent scheme often referred to as "ATM skimming." ATM skimming involves criminal organizations that focus on defrauding financial institutions and their customers by placing devices on Automated Teller Machines ("ATMs"). ATM skimming generally involves the following hallmarks:

a. Customers access their bank accounts through an ATM by means of an ATM card issued by banks that has been encoded with the customer's account information, in addition to a Personal Identification Number ("PIN"). Individuals involved in ATM skimming install pinhole cameras and skimming devices onto ATMs to steal customer PINs and account information.

b. The pinhole cameras record the keystrokes of bank customers as customers enter their PIN numbers to access their bank accounts. Often, the pinhole cameras are mounted on "PIN Camera Panels" that are affixed to the target ATM. The PIN Camera Panel can consist of an approximately half-inch trapezoidal or triangle-shaped plastic plate, or panel, that is affixed to an ATM. Attached to the PIN Camera Panel, but invisible to a bank customer, is a pinhole camera, a micro-SD card, and batteries. The pinhole camera records a customer's keystrokes, the SD card stores the video generated by the pinhole camera, and the batteries power the device.

c. Banks often place ATMs in vestibules that can be accessed by customers when the bank branches are otherwise closed. In order to enter the vestibule, a customer swipes an ATM card into a card reader located at the entrance to the ATM vestibule. Individuals engaged in ATM skimming sometimes install a homemade electronic device ("Skimming Device") onto the card reader that surreptitiously records customers' bank account information. Other times, individuals engaged in ATM skimming install Skimming Devices onto the actual ATM card reader.

d. Individuals engaged in ATM skimming leave the Skimming Devices and PIN Camera Panels on the target ATMs for several hours. They generally return to the target ATMs at night or during low-traffic times to retrieve and take the Skimming Devices and PIN Camera Panels.

e. The information illegally obtained from the PIN Camera Panels and Skimming Devices is then transferred to counterfeit bank cards, using a computer and computer software, to create fraudulent ATM cards. This transfer generally occurs shortly after obtaining stolen card data, because the ATM skimmers want to quickly use the newly-created fraudulent ATM cards to conduct "cashouts," or obtain money, from the stolen bank accounts before the bank becomes aware of the illicit conduct and blocks the accounts. Individuals who conduct the cashouts often wear bulky hats and coats so as to disguise their faces and bodies from bank security cameras.

f. The individuals engaged in ATM skimming then store the PIN Camera Panels and the Skimming Devices for re-use, affixing them over and over again to other ATMs, and using their parts to create new devices.

Recent Skimming Activity at Citibank ATMs

7. On or about December 17, 2012, investigators with Citigroup, Inc. became aware of illegal ATM skimming activity occurring at various Citibank branch locations throughout New York, New Jersey and Connecticut. Beginning on or about December 17, 2012, and continuing on several occasions through on or about January 6, 2013, individuals engaged in ATM skimming withdrew substantial amounts of cash – nearly $1,000,000 – from Citibank ATMs.

8. On or about January 13, 2013, officers with the Englewood Police Department arrested two individuals – Constantin Ginga ("Ginga") and Marius Cotiga ("Cotiga") – at a Citibank branch in Englewood, New Jersey. At the time, Ginga was in the process of withdrawing money from customer accounts using counterfeit ATM cards that contained stolen customer information. Cotiga was sitting in a nearby rented vehicle. A search of the vehicle turned up 80 fraudulent ATM cards, $10,000 in cash, and various hats. Photos and video footage show Ginga and Cotiga wearing those hats while conducting cashouts at various Citibank ATMs.

9. Also on or about January 13, 2013, local police with the Nassau County Police Department arrested two individuals – Dezso Gyapias ("Gyapias") and Ioan Leusca ("Leusca") – in Great Neck, New York. Gyapias and Leusca were arrested while in the process of using counterfeit ATM cards to conduct cashouts at Citibank ATMs.

10. Following the January 13, 2013 arrests, Ginga, Cotiga, Gyapias, and Leusca were charged in the District of New Jersey in a five-count Complaint, signed by Magistrate Judge Cathy L. Waldor, alleging conspiracy to commit bank fraud, contrary to Title 18, United States Code, Section 1344, in violation of Title 18, United States Code, Section 1349; and aggravated identity theft, in violation of Title 18, United States Code, Section 1028A(a)(1). See United States v. Ginga, et al., 13-7036 (DNJ) (CLW). Magistrate Judge Waldor ordered all four defendants detained in federal custody.

Identification of Marius Vintila, a/k/a Dan Girneata

11. After being remanded into federal custody, defendant Cotiga participated in multiple proffer sessions at the United States Attorney's Office for the District of New Jersey. Cotiga stated that he had traveled to the United States at the behest of an individual named "Marius." This individual, "Marius," facilitated Cotiga's travel to the United States, helped

Cotiga enter the United States illegally, found Cotiga housing in the United States and asked Cotiga to use counterfeit ATM cards to perform cashouts at bank ATMs. Cotiga lived in a house in Flushing, New York, with co-defendant Ginga (and one other individual). Together, Cotiga and Ginga would take fraudulent ATM cards from "Marius," drive to various bank branches and withdraw tens of thousands of dollars from customer accounts. Cotiga and Ginga would then give the resulting cash proceeds to "Marius." "Marius" was the leader of the ATM skimming group, and "Marius" was the individual to whom Cotiga directly reported.

12. According to Cotiga, on one occasion, "Marius" arrived at Cotiga's house with another individual named "Bogdan." "Bogdan" and "Marius" gave Cotiga and Ginga Skimming Devices and PIN Camera Panels to install on an ATM machine, and "Bogdan" showed Cotiga how to install them.

13. According to Cotiga, the third individual residing in the house also was involved in ATM skimming. Cotiga said that the individual's name was "Alin" and that he had been arrested in August 2012 by the New York Police Department ("NYPD") for assault. Subsequent searches confirmed Cotiga's information – namely, that an individual named "Alin-Dumitru Carabus" was arrested by the NYPD on August 19, 2012. A review of flight records indicated that "Alin" fled to Spain on or about January 31, 2013, a couple weeks after Cotiga's arrest. Cotiga was shown a picture of Alin-Dumitru Carabus from the NYPD arrest records, and he confirmed that this individual was the "Alin" who resided with Ginga and him in Flushing, New York.

14. In or around February 2013, Cotiga traveled with law enforcement agents to Flushing, New York, and Cotiga showed them the house in which he had resided during the

pendency of his ATM skimming activity. The address of the house was 36-18 Utopia Parkway, Flushing, New York.

15. A "google" search for "36-18 Utopia Parkway, Flushing, New York" revealed that it had recently been listed for rent. Accordingly, law enforcement agents spoke with the property manager, who corroborated Cotiga's information that the house had previously been occupied by three men. The property manager further stated that in or around January 2013, Alin had contacted him via phone, told him that he had left the country, and asked the property manager to return his security deposit to his friend, "Dan Girneata."

16. The property manager advised law enforcement agents that a woman named Ionela Simona Popa ("Popa") arrived to pick up the cashier's check on behalf of "Dan Girneata." The property manager provided law enforcement agents with a copy of Popa's Romanian driver's license, and he also provided them with a copy of the cashier's check for the security deposit refund, issued to "Dan Girneata" by Cathay Bank in Flushing, New York. Bank records indicated that the cashier's check was deposited into an account at Chase Bank in Flushing, New York, under the name "Dan Girneata." A debit card in the name of "Dan Girneata" also was associated with this Chase bank account. Law enforcement agents obtained photos from Chase Bank of "Dan Girneata" as he deposited the cashier's check into his bank account.

17. Next, a search of international flights revealed Popa to have entered the United States at JFK Airport on March 31, 2011 via Delta Airlines Flight 119, from Copenhagen, Denmark. The passenger list for Delta Flight 119 indicated that a passenger named Marius Vintila ("Vintila") had traveled with Popa. Law enforcement agents obtained a photo of Vintila from the airport customs check. The individual in the photos of "Dan Girneata" obtained from

Chase Bank is the same individual in the photos of Vintila obtained from the airport customs check.

18. Investigation into the Chase debit card affiliated with the "Dan Girneata" Chase bank account revealed multiple purchases at the address 42-06A Bell Boulevard, Bayside, New York, which is associated with a privately-owned shipping company called BB Shipping. According to BB Shipping, mailbox number 243 was leased to an individual named "Dan Girneata." Two documents were provided to BB Shipping by "Dan Girneata": (1) a Romanian passport bearing number 09431717 that was issued under the name "Dan Girneata" but contained Vintila's picture (hereinafter, the "Fraudulent Romanian Passport"); and (2) a Romanian identification card bearing number 100758395S that was issued under the name "Dan Girneata" but contained Vintila's picture (hereinafter, the "Fraudulent Romanian ID Card"). Accordingly, I believe that Vintila used fake documents bearing "Dan Girneata's" name to rent mailbox number 243 at BB Shipping.

19. All of the photos of "Dan Girneata" and Vintila were subsequently shown to Cotiga. Cotiga identified each separate photo of "Girneata" and of Vintila, as being the individual whom he had previously identified as "Marius." Accordingly, I believe that Marius Vintila is using the alias "Dan Girneata" to conduct transactions and business in the United States.

Storage Unit 1

20. A vehicle was rented from the Hertz Corporation, under the name "Dan Girneata," using the Chase debit card affiliated with the "Dan Girneata" bank account. On the rental contract, the phone number (718) 362-0430 was provided as a contact number, and Vintila's Fraudulent Romanian ID Card was provided as identification.

21. Pursuant to a grand jury subpoena, AT&T produced toll records for phone number (718) 362-0430. The toll records revealed that the caller dialed (516) 829-0510 in or around January 2013, a number that belongs to Shurgard Storage.

22. In response to a grand jury subpoena, Shurgard Storage indicated that "Dan Girneata" had rented Unit 1046 at the Shurgard Storage branch located at 91 Cuttermill Road, Great Neck, New York ("Storage Unit 1"). "Dan Girneata" rented Storage Unit 1 beginning on or about August 5, 2011.

23. The manager of Shurgard Storage identified Vintila, by photo, as the actual renter of Storage Unit 1. Vintila provided his Fraudulent Romanian Passport and his Fraudulent Romanian ID Card to Shurgard Storage in order to rent Storage Unit 1. Vintila also provided an email address of dangirneata@yahoo.com, and a mailing address of 42-06A Bell Boulevard, Bayside, New York (the address associated with BB Shipping). The manager confirmed that Vintila always prepaid his rent in cash, usually in six month intervals.

24. According to Shurgard Storage, Vintila last accessed Storage Unit 1 on or about January 6, 2013. At that time, Vintila prepaid in cash for six months of rental fees for Storage Unit 1. I am aware that a cashout occurred at Citibank ATMs in Great Neck, New York on or about January 6, 2013. The individuals involved in the January 6, 2013 cashout scheme – Gyapias, Cotiga, Ginga, and Leusca – were arrested the following week. As indicated earlier, Cotiga has identified Vintila as the leader of the Citibank ATM skimming scheme. Accordingly, Vintila last accessed Storage Unit 1 during a period in which he was orchestrating a large volume of ATM skimming from Citibank ATMs in the New York and New Jersey areas.

25. On June 5, 2013, Magistrate Judge Roann L. Mann of the Eastern District of New York signed a warrant authorizing the search of Storage Unit 1. On June 6, 2013, law

enforcement agents executed the search warrant. Storage Unit 1 contained several metal panels used to make PIN Camera Panels. It also contained a DVD player from which the insides had been removed. In my experience, DVD players in this form are used by individuals engaged in ATM skimming to send and transfer cash through the mail.

Storage Unit 2

26. Storage Deluxe is a self-storage company with facilities located in New York and New Jersey. In response to a grand jury subpoena, Storage Deluxe revealed that on or about March 18, 2013, storage unit 4190 was leased under the name "Dan Girneata" at a Storage Deluxe facility located at 124-16 31st Avenue, Flushing, New York ("Storage Unit 2").

27. The manager of the Storage Deluxe facility within which Storage Unit 2 is located positively identified Vintila and Popa, by photos, as having arrived together, at Storage Deluxe, to rent Storage Unit 2. Vintila prepaid in cash for six months of rentals fees for Storage Unit 2, and Vintila (using Popa as a translator) advised the manager that he and Popa would be going away for a period of time.

28. As with his other transactions, Vintila provided Storage Deluxe with his Fraudulent Romanian Passport and his Fraudulent Romanian ID Card. Additionally, he provided Storage Deluxe with the same mailing address associated with BB Shipping.

29. On June 5, 2013, Magistrate Judge Roanne L. Mann signed a warrant authorizing the search of Storage Unit 2. On June 5, 2013, law enforcement agents executed the search warrant. Storage Unit 2 contained several boxes filled with the parts, tools, and pieces necessary to conduct a full ATM skimming operation – including Skimming Devices and PIN Camera Panels. Additionally, it contained two computers and hundreds of fraudulent ATM cards that had been encoded with stolen customer account data.

Vintila Orders ATM Skimming Equipment

30. Between on or about January 29, 2013 and on or about April 30, 2013, the number (718) 362-0430, associated with Vintila, was used to contact two different phone numbers, each associated with a company called GT Machine and Tool ("GT Machine"), located at 32-14 49th Street, Long Island City, New York. GT Machine is a Computer Numerical Control ("CNC") company, meaning that it uses computer-aided drafting programs to render digital images of certain objects, and it then uses the file created by the program, in conjunction with a CNC machine, to produce the actual object. The CNC machine produces the desired object by milling, carving, and drilling different materials such as aluminum, steel and plastic.

31. On or about April 22, 2013, a USSS special agent interviewed Dean Theodos, the owner of GT Machine. Theodos stated that in or around September 2012, a man walked into GT Machine and asked to speak to the owner. Theodos introduced himself to the man as the "owner" of GT Machine, and the man introduced himself to Theodos as "Dan." "Dan" presented a flat trapezoid-shaped plastic plate to Theodos, and asked Theodos if he would be able to reproduce the panel. "Dan" told Theodos he would need approximately twenty (20) of the reproduced panels, and "Dan" agreed to pay $100 per panel.

32. Theodos used a computer-aided drafting program to digitally replicate the panel, and he then used a CNC machine to produce a sample panel. "Dan" picked up the sample and returned a few days later, asking Theodos to modify it slightly by cutting off a portion of two of the edges. Theodos modified the design and produced twenty (20) panels. "Dan" subsequently picked up the twenty (20) panels, paid for them in cash, and ordered ten (10) additional panels.

33. In or around January 2013, "Dan" returned to GT Machine to pick up the additional ten (10) panels. At this time, he handed Theodos another type of panel, similar to the

one that Theodos had just designed, and he asked Theodos to make twenty (20) pieces identical to this new panel.

34. On or about April 30, 2013, "Dan" called Theodos, and asked when the items, i.e., the new panels, would be ready for pickup.

35. The USSS special agent showed Theodos photos of various individuals, and he identified the image of Marius Vintila as that of the man he knew as "Dan."

36. A USSS special agent obtained from TD Bank a PIN Camera Panel that had been removed by TD Bank (and local police) from an ATM located inside a TD Bank vestibule in Bensalem, Pennsylvania. The PIN Camera Panel had been equipped with a pinhole camera, a micro-SD Card, and three laptop computer batteries. TD Bank also had recovered Skimming Devices that had been placed onto its ATM card readers. Together, the PIN Camera Panel and the Skimming Devices had been used to capture account information from TD Bank ATMs.

37. The PIN Camera Panel that was recovered by TD Bank in Bensalem, Pennsylvania, was identical to PIN Camera Panels recovered from TD Bank ATMs in Queens, New York; Brick, New Jersey; and Barnegat, New Jersey. TD Bank also supplied the USSS with security photos from the Brick, New Jersey branch, which showed two men approach a TD Bank ATM machine and affix the PIN Camera Panel to the interior side panel of the ATM. The two men shown affixing the PIN Camera Panel to the TD Bank ATM were subsequently identified as Dezso Gyapias and Ioan Leusca. As indicated earlier, both of these individuals have been charged in the District of New Jersey with bank fraud and aggravated identity theft.

38. Theodos was shown the PIN Camera Panel that had been recovered from the TD Bank ATM in Bensalem, Pennsylvania. Theodos confirmed that he had produced that PIN Camera Panel for "Dan" pursuant to "Dan's" September 2012 order.

39. Recently, on or about May 16, 2013, Vintila visited Ligi Tool and Engineering ("Ligi Tool"), at 3220 SW 15th Street, Deerfield Beach, Florida. Ligi Tool advertises itself as a CNC shop, similar to GT Machine. Vintila dropped off a part to Ligi Tool to be made; as with the part he dropped off to GT Machine, the part he asked Ligi Tool to make is used in ATM Camera Panels.

40. On or about May 28, 2013, Vintila arrived at Ligi Tool to pick up an initial sample of the PIN Camera Panel that he had requested. On or about May 30, 2013, Vintila returned to Ligi Tool, requested a few modifications to his original design, and asked Ligi Tool to make approximately fifteen (15) PIN Camera Panels.

41. On or about June 3, 2013, TD Bank surveillance video captured Vintila and another individual attempting to test-fit the PIN Camera Panel ordered from Ligi Tool onto a TD Bank ATM.

42. Given Marius Vintila's prior order of twenty (20) PIN Camera Panels from GT Machine, his current order of an additional twenty (20) PIN Camera Panels from GT Machine, and his new order from Ligi Tool for fifteen (15) PIN Camera Panels, there is probable cause to believe that Marius Vintila is continuing to commit violations of the Target Offenses.

Trackers on Vintila's Phone and the SUBJECT VEHICLE

43. On May 8, 2013, Magistrate Judge Alicia M. Otazo-Reyes of the Southern District of Florida signed a warrant authorizing law enforcement agents to track phone number (718) 362-0430, associated with Vintila. See Mag. No. 13-2669 (S.D. Fl.)

44. On or about May 8, 2013, law enforcement agents observed Vintila carrying a package and exiting the UPS Store, located at 16850 Collins Avenue, Suite 112, Sunny Isles, Florida. Vintila entered the SUBJECT VEHICLE. The SUBJECT VEHICLE was registered to

Popa, and law enforcement agents observed Popa driving the SUBJECT VEHICLE as it exited the parking lot of the UPS Store.

45. On or about May 8, 2013, flight records indicate that Popa left the country via a British Airways flight 1529 from Miami to London, England. Popa has not returned to the country.

46. On or about May 16, 2013, pursuant to a grand jury subpoena, personnel from the UPS Store provided law enforcement agents with documentation indicating that Vintila had leased Mailbox 494 at UPS in Sunny Isles, Florida, under the alias Dan Girneata, by providing a Fraudulent Romanian passport and Fraudulent Romanian ID Card.

47. On or about May 29, 2013, law enforcement agents spoke to personnel at Mercedes Benz of Miami. The personnel advised law enforcement agents that a customer who identified himself as Dan Girneata requested that work be done on the SUBJECT VEHICLE. The personnel further advised law enforcement agents that the man identified as Dan Girneata drove the SUBJECT VEHICLE to the dealership for the repair and drove the SUBJECT VEHICLE from the dealership once the repairs were complete.

48. On May 31, 2013, Magistrate Judge Patrick A. White of the Southern District of Florida signed a warrant authorizing law enforcement agents to install a GPS mobile tracking device on the SUBJECT VEHICLE and authorizing delayed notice of thirty (30) days. See Mag. No. 13-2812 (S.D. Fl.).

49. The location information obtained from Vintila's phone and from the SUBJECT VEHICLE shows that he left Florida on the afternoon of June 4, 2013. Vintila drove from Florida to New York, stopping for one night in South Carolina. In South Carolina, Vintila stopped at a Hampton Inn, and an employee of the Hampton Inn confirmed to law enforcement

agents that Vintila was driving the SUBJECT VEHICLE. On the morning of June 6, 2013, location information placed Vintila and the SUBJECT VEHICLE in Rego Park, New York, on 62nd Drive. Subsequent location information obtained from the SUBJECT VEHICLE confirmed that the SUBJECT VEHICLE was located within the Eastern District of New York, mainly in the area of Queens, New York.

50. Around that time, the tracking device placed on the SUBJECT VEHICLE, pursuant to the May 31, 2013 tracking warrant began malfunctioning. Accordingly, the United States applied in the Eastern District of New York for Court approval to remove the tracking device then on the SUBJECT VEHICLE and install a new tracking device on the SUBJECT VEHICLE. On June 12, 2013, the Honorable Vera M. Scanlon signed a search warrant authorizing the installation and use of a new GPS mobile tracking device on the SUBJECT VEHICLE to monitor and record the signals and information from the tracking device at any time of day or night for a period of 45 days from the issuance of the warrant. See Mag. No. 13-0457. By its terms, the June 12 tracking warrant will expire on July 27, 2013.

Probable Cause Supporting Continued Tracking of the SUBJECT VEHICLE

51. Since the Court's approval of the June 12 tracking warrant, on July 10, 2013, the United States charged Vintila, among others, in the District of New Jersey with one count of conspiring to commit bank fraud in violation of 18 U.S.C. § 1349. See Mag. No. 13-3640 (MF). On that same date, the Honorable Mark Falk, United States Magistrate Judge in the District of New Jersey, signed a warrant for Vintila's arrest. To date, Vintila has evaded arrest.

52. As recently as June 15, 2013, the SUBJECT VEHICLE was tracked to a storage facility located on Jamaica Avenue in Queens, New York. The storage unit was registered under Popa's name and the unit was accessed under Popa's security code. On or about June 15, 2013,

Vintila and another co-conspirator were captured on video leaving the storage unit with multiple bags in their hands. Based upon this video, I believe Vintila was removing evidence of the ATM Skimming scheme from the storage unit on that date.

53. Additionally, since that time, law enforcement observed three individuals operating the SUBJECT VEHICLE. At least one of the individuals operating the SUBJECT VEHICLE is a member of Vintila's ATM Skimming scheme. Specifically, the same individual who has recently been observed operating the SUBJECT VEHICLE was previously captured on video at a Citibank location in Florida on or about March 24, 2013. On that video, the individual can be seen cashing out bank cards that were linked to an ATM skimming operation that took place at a TD Bank in Cutler Bay, Florida. The equipment used in that ATM skimming operation matched the equipment used in the ATM skims linked to Vintila. Additionally, the same individual who has recently been observed operating the SUBJECT VEHICLE was captured on video at a Citibank location in New York on or about June 22 and 23, 2013. In that video, the individual can be seen cashing out bank cards that were linked to an ATM skimming operation at a TD Bank in Ramsey, New Jersey. The total loss associated with the Florida and New York cash outs is approximately $300,000.

54. Based upon the foregoing, continued tracking of the SUBJECT VEHICLE may aid law enforcement in locating Vintila along with other members of the ATM Skimming conspiracy who have knowledge of Vintila's whereabouts. Additionally, by tracking the SUBJECT VEHICLE, law enforcement will be able to continue to identify and locate additional members of the ATM Skimming conspiracy and to learn more about their activities in furtherance of that scheme.

APPLICATION FOR DELAYED NOTICE

55. The June 12 tracking warrant authorized delayed notice of the warrant for a period of thirty (30) days after the cessation of tracking the SUBJECT VEHICLE. Though tracking of the SUBJECT VEHICLE will not have ceased, the United States nevertheless renews its request, pursuant to Title 18, United States Code, Section 3103a(b) and Federal Rule of Criminal Procedure 41(f)(3), for authority to delay notice for a period of thirty (30) days after the cessation of tracking the SUBJECT VEHICLE.

56. As discussed above, Vintila has been charged with bank fraud in connection with the ATM Skimming scheme and may or may not be aware of those charges. In any event, it appears that Vintila is actively evading law enforcement and disclosure of the tracking warrant may enable Vintila to continue to flee from prosecution, destroy or tamper with evidence, and alter his activities, thereby seriously jeopardizing the ongoing investigation. Additionally, the USSS and DHS continue to investigate the ongoing violations of the Target Offenses by Vintila and his co-conspirators. Thus, there is reasonable cause to believe that providing notification of the execution of the tracking warrant will alert the individuals currently using the SUBJECT VEHICLE and Vintila to the existence of the investigation. This will likely cause such individuals to flee from prosecution, destroy or tamper with evidence, intimidate potential witnesses, alter their activities and/or temporarily cease their criminal activities, thereby seriously jeopardizing the ongoing investigation by the USSS and DHS.

APPLICATION FOR SEALING ORDER

57. It is also respectfully requested that this Court issue an order pursuant to which this application of the Government for a warrant to track the SUBJECT VEHICLE and all papers submitted in support of the application be filed under seal. The evidence to be obtained and the

information upon which the application is based is relevant to an ongoing grand jury investigation and premature disclosure of the affidavit and related documents may have a negative impact on other aspects of the investigation and may jeopardize its effectiveness.

CONCLUSION

58. Based upon the foregoing facts, there is probable cause to believe that the installation of a GPS mobile tracking device placed on or in the SUBJECT VEHICLE, and the monitoring of the GPS mobile tracking device, will lead to evidence of the Target Offenses as well as to the identification of individuals who are engaged in the commission of those and related crimes. See Fed. R. Crim. P. 41(b)(4) ("[A] magistrate judge with authority in the district has authority to issue a warrant to install within the district a tracking device; the warrant may authorize use of the device to track the movement of a person or property located within the district, outside the district, or both."); 18 U.S.C. § 3117 (providing that if a court is empowered to issue a warrant or other order for the installation of a mobile tracking device, such order may authorize the use of that device within the jurisdiction of the court, and outside the jurisdiction if the device is installed in that jurisdiction.)

59. Mobile tracking devices sometimes require resetting, battery replacement, or other maintenance in order to remain functional, and it may be necessary for law enforcement officers to enter the SUBJECT VEHICLE for these purposes.

60. In order to install, maintain, and remove the tracking devices, it will be necessary for law enforcement agents to enter and obtain the SUBJECT VEHICLE surreptitiously, possibly including at times when it is located on private property.

61. In order to track the location of the SUBJECT VEHICLE at all times, it will be necessary to monitor the tracking device continuously, which may include monitoring signals

produced from inside enclosed garages or other locations neither open to the public nor accessible to visual surveillance, and signals produced from outside the Eastern District of New York.

62. Based upon the foregoing, I submit that there is probable cause to believe that installation and use of a GPS mobile tracking device on the SUBJECT VEHICLE will lead to discovery of evidence, fruits, and/or instrumentalities of the Target Offenses.

63. WHEREFORE, it is hereby requested that the Court issue a warrant re-authorizing members of the USSS and other law enforcement agencies, (1) to install the tracking device on the SUBJECT VEHICLE at any time of day or night within ten (10) days from the date of this warrant; (2) to enter onto private property for the limited purpose of installing, maintaining, repairing, or removing the tracking device at any time of day or night; (3) to remove the SUBJECT VEHICLE to a concealed area for the limited purpose of installing, maintaining, repairing or removing the tracking device at any time of day or night; and (4) to maintain, use, monitor, and record the signals and information from the tracking device at any time of day or night, for a period of 45 days from the issuance of the warrant, including the signals produced

from inside private garages and other locations not open to the public or visual surveillance, and signals produced in the event that the SUBJECT VEHICLE leaves the Eastern District of New York but remains within the United States.

Jeffrey Dant
Special Agent
United States Secret Service

Sworn and subscribed to before me this
26th day of July, 2013

HONORABLE JAMES ORENSTEIN
UNITED STATES MAGISTRATE JUDGE

AO 95
(Rev. 09/12)

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

DELAYED-NOTICE SEARCH WARRANT REPORT

The information on this form should be submitted each time judicial action is taken on an application for a delayed-notice search warrant or for an extension of a delayed-notice period. See 18 U.S.C. § 3103a(d)(1).
NOTE: If an extension to the notice period is requested, information will need to be submitted for each extension.

Please enter the information on this form into the InfoWeb Delayed-Notice Search Warrant Reporting System on the J-Net or into CM/ECF version 6.0 or later, if available.

For more information, see the Delayed-Notice Search Warrant page on the J-Net.

1. **Name of Judge:** James Orenstein (☐ check if state court judge)

2. **Federal Judicial District:** EDNY

3. **Date of Application for Delayed Notice:** 7/26/13

4. **Offense (Most Serious) Specified:**
☐ Drugs ☐ Fraud ☐ Weapons ☐ Immigration ☐ Terrorism
☐ Sex Offenses ☐ Theft ☐ Kidnapping ☐ Tax
☐ Extortion/Racketeering ☐ Fugitive/Escape/Supervised Release Violation
☑ Other *(specify)*: Fraud

5. **Type of Application:** ☑ Initial request for delay
☐ Extension of previously authorized delay
(Number of extensions previously granted: ______ *)*

6. **Judicial Action Taken:** ☐ Denied ☑ Granted ☐ Granted as modified

7. **Case Number (e.g., 'mc' Number) of Warrant:** ______ : 13 - mc - 574
office *year* *type* *number*

8. **Period of Delay Authorized in This Action (days):** ______

9. **Preparer's Name:** ______ **Title:** ______

Phone number: ______ **Date of report:** ______

AO 104 (02/09) Tracking Warrant

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

In the Matter of the Tracking of
(Identify the person, property, or object to be tracked)
A GREY 2011 MERCEDES C300 WITH VEHICLE IDENTIFICATION NUMBER WDDGF8BB2BR151095 AND ILLINOIS LICENSE PLATE R688135

Case No. 13 MISC 574

TRACKING WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government shows there is reason to believe that the person, property, or object described above has been involved in and likely will continue to be involved in the criminal activity identified in the application, and ☑ is located in this district; ☐ is not now located in this district, but will be at execution; ☐ the activity in this district relates to domestic or international terrorism; ☐ other: ______.

I find that the affidavit(s), and any recorded testimony, establish probable cause to believe that *(check the appropriate box)* ☐ using the object ☑ installing and using a tracking device to monitor the location of the person, property, or object will satisfy the purpose set out in Fed. R. Crim. P. 41(c) for issuing a warrant.

☑ I find entry into the following vehicle or onto the following private property to be necessary without approval or knowledge of the owner, custodian, or user of the vehicle or property for installing, maintaining, and removing the tracking device: A GREY 2011 MERCEDES C300 WITH VEHICLE IDENTIFICATION NUMBER WDDGF8BB2BR151095 AND ILLINOIS LICENSE PLATE R688135

YOU ARE COMMANDED to execute this warrant and begin using the object or installing the tracking device within ten days from the date of this order and may continue use for 45 days. The tracking may occur within this district or another district. To install, maintain, or remove the device, you may enter *(check boxes as appropriate)*

☑ into the vehicle described above ☐ onto the private property described above

☐ in the daytime only *(i.e., 6:00 a.m. to 10:00 p.m.)*. ☑ at any time of day or night because good cause has been established.

Within 10 calendar days after the use of the tracking device has ended, the officer executing this warrant must both return it to United States Magistrate Judge *(name)* Duty Magistrate and — unless delayed notice is authorized below — serve a copy of the warrant on the person who, or whose property or object, was tracked.

☐ I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property or object, will be tracked *(check the appropriate box)* ☑ for 30 days *(not to exceed 30)*

☐ until, the facts justifying, the later specific date of ______.

Date and time issued: 7/26/13 2:49pm

Judge's signature

City and state: Brooklyn, NY

James Orenstein, United States Magistrate Judge
Printed name and title